

**Independent Examiner's Report of the Oaksey  
Neighbourhood Development Plan**

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## **SECTION 2**

### **Summary**

*As the Independent Examiner appointed by Wiltshire Council to examine the Oaksey Neighbourhood Development Plan, I can summarise my findings as follows:*

- 1. I find the Oaksey Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Oaksey Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Oaksey Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Oaksey Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the Development Plan was the Wiltshire Core Strategy (WCS) adopted in 2015 and certain saved policies of the North Wiltshire Local Plan 2011(that are identified in appendix D of the WCS)*

## **SECTION 3**

### **Introduction**

#### **1. Neighbourhood Plan Examination.**

*My name is Deborah McCann and I am the Independent Examiner appointed to examine the Oaksey Neighbourhood Development Plan.*

*I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.*

*My role is to consider whether the submitted Oaksey Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Oaksey Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.*

*The Oaksey Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*

*The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.*

#### **2. The Role of Examiner including the examination process and legislative background.**

*The examiner is required to check whether the neighbourhood plan:*

*Has been prepared and submitted for examination by a qualifying body*

*Has been prepared for an area that has been properly designated for such plan preparation*

*Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*

*Its policies relate to the development and use of land for a designated neighbourhood*

area.

*The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).*

*As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:*

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*

*Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community’s intent in producing their neighbourhood plan.*

- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

*3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Oaksey Neighbourhood Development Plan go to Referendum.*

*3.2 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to*

*the Town and Country Planning Act 1990, whether:*

*the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*

*the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*

*the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

*3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:*

- Has regard to national policies and advice contained in guidance<sup>[L1]</sup><sub>[SEP]</sub> issued by the Secretary of State;*
- Contributes to the achievement of sustainable development; and*
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

<sup>[L1]</sup><sub>[SEP]</sub> *The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.*

*3.4 Wiltshire Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then Wiltshire Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.*

## **SECTION 4**

### **The Report**

#### **1. Appointment of the Independent examiner**

*Wiltshire Council appointed me as the Independent Examiner for the Oaksey Neighbourhood Development Plan with the agreement of Oaksey Parish Council.*

#### **2. Qualifying body**

*I am satisfied that Oaksey Parish Council is the Qualifying Body.*

#### **3. Neighbourhood Plan Area**

*Wiltshire Council approved the designation of Oaksey's Neighbourhood Development Plan Area on the 29<sup>th</sup> of April 2016. The designated Neighbourhood Area follows the Parish Boundary.*

#### **4. Plan Period**

*It is intended that the Oaksey Neighbourhood Development Plan will cover the period 2018-2026.*

#### **5. Wiltshire Council Regulation 15 Assessment of the Plan.**

*Oaksey Parish Council, the qualifying body for preparing the Oaksey Neighbourhood Development Plan, submitted it to Wiltshire Council for consideration under Regulation 15. Wiltshire Council has made an initial assessment of the submitted Oaksey Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.*

#### **6. Site Visit**

*I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 13<sup>th</sup> of October 2018.*

#### **7. The Consultation Process**

*The Oaksey Neighbourhood Development Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.*

*The Statement describes the approach to consultation, the stages undertaken and explains*



how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

#### **8.Regulation 16 consultation by Wiltshire Council and record of responses.**

Wiltshire Council placed the Oaksey Neighbourhood Development Plan out for consultation under Regulation 16 from Tuesday 31<sup>st</sup> July to Wednesday 12<sup>th</sup> September 2018.

A number of detailed representations were received during the consultation period and these were supplied by Wiltshire Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

#### **9. Compliance with the Basic Conditions**

The Oaksey Neighbourhood Development Plan Working Group produced a Basic Conditions Statement on behalf of Oaksey Parish Council. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

There are four basic conditions relevant to Neighbourhood Plans which are laid out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

I have to determine whether the Oaksey Neighbourhood Development Plan meets the Basic Conditions: <sup>[[1]]</sup><sub>SEP</sub>

1. having regard to national policies and advice contained in guidance issued by the Secretary of State

2. the 'making' of the neighbourhood plan contributes to the achievement of sustainable development

3. the 'making' of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

4. the 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations

Documents brought to my attention by Wiltshire Council for my examination include:

- (i) The Oaksey Neighbourhood Development Plan (submission draft) 2018-2026 - the main document which includes policies developed in consultation with the community at various engagement events and workshops.
- (ii) Oaksey Neighbourhood Development Plan Evidence Base Link Document
- (iii) Oaksey Neighbourhood Development Plan Consultation Statement (June 2018) – this sets out how the community, and other stakeholders, have been involved in preparing the Plan.
- (iv) Oaksey Neighbourhood Development Plan Basic Conditions Statement (June 2018) - An appraisal of the Plan policies against European Union (EU) and national policies, as well as the strategic policies of SHDC and any other policies and guidance.
- (v) Oaksey Neighbourhood Development Plan Habitats Regulations Assessment (HRA) Screening (June 2018)
- (vi) Oaksey Neighbourhood Development Plan Strategic Environmental Assessment (SEA) Screening (February 2017)

### **Comment on Documents submitted**

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Oaksey Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

## **10. Planning Policy**

### **10.1. National Planning Policy**

4.10.2 of the National Planning Policy Framework (NPPF) sets out national policy, supporting this document is National Planning Policy Guidance (NPPG). The Government published its new National Planning Policy Framework on 24 July 2018. Whilst the revised NPPF becomes a material consideration from the date of publication, paragraph 214 sets out a transitional period:

*“214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted (Footnote69) on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.*

*(Footnote 69) For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.*

*During the transitional period for emerging plans submitted for examination (set out in paragraph 214), consistency should be tested against the previous Framework published in March 2012.”*

*Accordingly, my report has considered the Neighbourhood Plan on the basis of the 2012 NPPF and paragraph numbers relate to that document.*

*National Planning Policy is set out in the National Planning Policy Framework (NPPF) 2012 and to meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.*

*The Oaksey Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.*

*I have examined the Oaksey Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.*


## **10.2. Local Planning Policy- The Development Plan**

*Oaksey is within the area covered by Wiltshire Council. The relevant development plan, at the time of my examination was the Wiltshire Core Strategy 2015 (WCS) including certain saved policies of the North Wiltshire Local Plan 2011 (identified in Appendix D of the WCS).*

## **11. Other Relevant Policy Considerations**

### **11.1 Strategic Environmental Assessment**

*As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the*

*EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.* 

*A screening assessment to determine the need for a SEA in line with regulation and guidance was undertaken in February 2017 by Wiltshire Council as the “Responsible Authority”. The conclusion of the report was that the implementation of the Oaksey Neighbourhood Development Plan is “unlikely to have significant environmental effects and consequently will not require a Strategic Environmental Assessment*

*The following organisations are the statutory bodies for the purposes of the SEA screening and were consulted between 13<sup>th</sup> January 2017 to the 17<sup>th</sup> February 2017:*

*Natural England  
Historic England  
Environment Agency*

*All of the consultation responses from the statutory bodies concurred with this conclusion.*

### **11.2 Habitats Regulations Assessment (HRA)**

*An initial screening assessment to determine the need for an HRA in line with regulation and guidance was undertaken in 2017 as the Neighbourhood Plan Area does contain an EU designated site. Following the judgement of the CJEU in the “People over wind” case a reassessment was undertaken by Wiltshire Council in September 2018. The conclusion of the report was that:*

*“The draft policies do allocate a single site for re-development of twelve dwellings plus an additional 10 houses, but largely provide qualitative criteria for development focused on protecting the local environment and guiding the design of new housing. In addition, the distance from any vulnerable N2K site (as identified in the parameters of the Core Strategy HRA) and the small scale of the allocation proposed by the Oaksey Neighbourhood Plan indicate that there is no mechanism for adverse effect.*

*Wiltshire Council considers that there would be no adverse effect on the integrity of the Natura 2000 Network either alone or in combination, and no appropriate assessment is necessary.”*

*Natural England is the statutory body for the purposes of the HRA screening.*

### **11.3 Sustainable development**

*The Basic Conditions Statement sets out the neighbourhood plan’s approach to achieving sustainable development through its policies impact on economic, social and environmental factors.*

*My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies. I am satisfied that the Oaksey Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.*

#### **11.4 European Convention on Human Rights (ECMR)**

*The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.*

*I am satisfied that the Oaksey Neighbourhood Development Plan has done so.*

*I am therefore satisfied that the Oaksey Neighbourhood Development Plan meets the basic conditions on EU obligations.*

#### **11.5 Excluded development**

*I am satisfied that the Oaksey Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*

#### **11.6 Development and use of land**

*I am satisfied that the Oaksey Neighbourhood Development Plan, subject to modification covers development and land use matters.*

#### **11.7 General Comments**

*The Government's Planning Practice Guidance Published 29 November 2016 (Last updated 22 October 2018) on preparing neighbourhood plans and policies is clear, it states:*

*"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*

*Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex."*

*In order to provide clarity and to ensure that the policies in the Oaksey Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies.*

*My comments are in blue and modified policies in red. Deleted text is shown in ~~red~~ with text modifications shown in red.*

## **12. The Neighbourhood Plan Vision, Strategic Aims and Policies**

### **VISION FOR OAKSEY**

*The Vision and Objectives for Oaksey Parish emerge from the results of the consultation process, the key issues and other background evidence outlined in this plan.*

***“Oaksey is a mature and well-equipped village at the centre of a rural and agricultural parish. Our vision is to develop and nurture our community and its unique built environment to ensure it is both protected and sustainable.”***

### ***“Objectives of the Neighbourhood Development Plan***

*61. The following objectives have been set out for the Oaksey Neighbourhood Plan:*

#### *(A) Promote sustainable development*

- Allocate an appropriate scale site(s) well related to the village fabric for new housing which will allow the opportunity for affordable and low-cost market housing to be provided to meet the needs of the local community*
- Support the regeneration and redevelopment of poor quality and energy inefficient housing stock within the village*

#### *(B) Conserve and enhance Oaksey’s natural environment*

- Conserve and enhance the environment of the village and the parish countryside including improved landscaping, access to open spaces, footpath routes, and the encouragement of green infrastructure and initiatives*

#### *(C) Protect and develop the community of Oaksey*

- Encourage the retention and growth of community facilities*
- Continue to improve the facilities on offer to support the local community*

*(D) Protect and enhance Oaksey's built environment*

- *Enhance the character and appearance of the village, including the historic character arising from the heritage assets present comprising the Conservation Area and Listed Buildings*
- *Ensure that new development respects or enhances the character and appearance of the street scene*
- *Ensure that transport infrastructure and transport movements do not adversely affect the historic character of the village whilst seeking to improve accessibility and transport choices”*

**COMMENT**

*I am satisfied that the Vision, aims and objectives of the Oaksey Neighbourhood Development Plan were established as a result of the community consultation and engagement carried out as part of the plan preparation process. I am also satisfied that the policies in the Plan were developed from the vision and objectives.*

**Policies**

**12.1 Policy 1 – Settlement Boundary**

*The settlement boundary of Oaksey is defined on the Policies Map. It serves the purpose of containing the growth of the settlement and protecting the countryside from encroachment.*

*Within the settlement boundary planning permission will be granted for small-scale development on sites not allocated for development which do not adversely affect the structure and form of the existing linear settlement morphology, the landscape setting of the settlement or the transitional edge between the built environment of the settlement and the undeveloped nature of the surrounding rural areas.*

**Countryside**

*The land outside of the settlement boundary is designated as the countryside. Development outside the settlement boundary will be strictly controlled and planning permission will only be granted for proposals which require a countryside location, such as agriculture, horticulture or forestry; or are related to community, leisure or recreation. In particular those designed to meet the needs of local residents will be supported.*

*Proposals for holiday accommodation, leisure and recreation uses designed to meet*

*the needs of visitors and tourists will only be supported within the existing part of the Cotswold Water Park (Cottage Lake; Swallow Pool; and Mallard Lake) in the Parish. Proposals within the Cotswold Water Park will also need to comply with Core Policy 54 of the Wiltshire Core Strategy and Policy 7 of this Neighbourhood Plan. Proposals to extend the Cotswold Water Park westwards will not be supported.*

*Residential development will only be permitted in the countryside where it meets the requirements of National Planning Policy.*

#### **Holiday Accommodation**

*The removal of occupancy restrictions on holiday accommodation to allow their use as a permanent residential dwelling will not be supported unless the property is located within the settlement boundary. The change of use of a permanent residential dwelling to holiday accommodation will be resisted where this would lead to the permanent loss of a dwelling.*

#### **COMMENT**

*This policy deals with three distinct elements: the settlement boundary and development within it, development in the open countryside and holiday accommodation.*

*Details of the changes made to the settlement boundary are set out in the Settlement Boundary Methodology document. The methodology is drawn from the principles established by Wiltshire Council in the emerging Wiltshire Housing Site Allocations Plan. I am satisfied that the settlement boundary has been drawn having regard to national policy and in general conformity with the strategic policies of the development plan.*

*Policy map 3 illustrates the settlement boundary and should be referred to within the supporting text to the policy for ease of reference so that it is clear what the changes are to the Policies Map for the Development Plan as a whole. It would also be helpful if it was co-located with the policy within the plan.*

*The policy element referring to development in the countryside is overly restrictive and as currently worded does not have regard for national policy and therefore does not meet the Basic Conditions. Paragraph 4 of the policy is also overly restrictive seeking to constrain development for holiday accommodation, leisure and recreation within the existing part of the Cotswold Water Park (Cottage Lake; Swallow Pool; and Mallard Lake) in the Parish without adequate justification. Paragraph 4 as currently worded does not meet the Basic Conditions as it does not have regard for national policy.*



*For clarity and to meet the Basic Conditions the policy should be modified as follows:*

***Policy 1 – Settlement Boundary***

*The settlement boundary of Oaksey is defined on the Policies Map. It serves the purpose of containing the growth of the settlement and protecting the countryside from encroachment.*

*Within the settlement boundary planning permission will be granted for small-scale development on sites not allocated for development which do not adversely affect the structure and form of the existing linear settlement morphology, ~~the respect its~~ landscape setting ~~of the settlement or the transitional edge between the built environment of the settlement and~~ the undeveloped nature of the surrounding rural areas.*

***Policy 1a Development in the open countryside***

*The land outside of the settlement boundary is designated as ~~the~~ countryside. Development outside the settlement boundary will be strictly controlled and proposals ~~planning permission~~ will only be supported ~~granted for proposals~~ development which requires a countryside location, such as agriculture, horticulture or forestry; or are related to community, leisure or recreation. In particular those designed to meet the needs of local residents will be supported.*

*Residential development will only be permitted in the countryside where it meets one of the exceptions referred to in paragraph 4.25 of the Wiltshire Core Strategy Policy and National Planning Policy.*

*~~Residential development will only be permitted in the countryside where it meets the requirements of National Planning Policy.~~*

***Policy 1b Holiday Accommodation, leisure and recreation***

*Proposals for holiday accommodation, leisure and recreation uses designed to meet the needs of visitors and tourists will ~~only be~~ supported within the existing part of the Cotswold Water Park (Cottage Lake; Swallow Pool; and Mallard Lake) in the Parish. Proposals within the Cotswold Water Park will also need to comply with Core Policy 54 of the Wiltshire Core Strategy and Policy 7 of this Neighbourhood Plan. Proposals to extend the Cotswold Water Park westwards will not be supported.*

*The removal of occupancy restrictions on holiday accommodation to allow their use as a permanent residential dwelling will not be supported unless the property is located within the settlement boundary. The change of use of a permanent residential dwelling*

~~to holiday accommodation will be resisted. where this would lead to the permanent loss of a dwelling.~~

## **12.2 Policy 2 – Design of New Development and Local Distinctiveness**

*All new development shall demonstrate good quality design that reinforces local distinctiveness and complements the fabric of the existing built up area, uses good quality harmonious materials and respects views around the village with reference to the height, scale, density, layout, siting, and orientation of new buildings.*

*All new development shall have regard to the design guidelines set out in the Character Appraisal in Annexe 1. New development will only be permitted where it does not adversely affect the distinctive character of Oaksey, including open areas; views and vistas; and built form set out in the Character Appraisal included in Annexe 1. Proposals should not result in the loss of gaps and spaces between buildings which make a positive contribution to the character and appearance of the street scene. Proposals should not result in the loss of open views of the countryside from within the village.*

*Planning permission for proposals for backland residential development will not be granted where the existing character and linear form of the settlement is adversely affected.*

### **Views and Vistas**

*The following important public views and vistas are identified for particular protection:*

*Coppice Lane – Looking North*

*Earls Corner – Looking North*

*Cargill Place – Looking North*

*Bendy Bow – Looking South*

*Gateway to Minety Lane – Looking South*

*Gateway to Wick Road – Looking North*

*Eastern Gateway to the Village adjacent to Oaksey House – Looking West*

*View Along Eastcourt Road – Looking South*

*These important views and vistas are illustrated and explained in detail in the character area profiles in the Character Appraisal in Annexe 1.*

### **Boundary Treatment, Trees and Public Realm**

***Development proposals which have the potential to impact negatively on the boundary treatment, landscaping or trees which make a positive contribution to the public realm will be resisted. Any new development will be expected to demonstrate how they will contribute to high quality streets, pavements and other publicly accessible areas (the public realm) within Oaksey.***

***Important boundaries in the form of stone walls and hedges are illustrated on the character profile maps in the Character Appraisal in Annexe 1.***

***In addition to the general protection offered by the Conservation Area, the following groups of important trees are identified for protection because of the contribution they make to the character and appearance of the village:***

***North of Cargill Place  
West of Woodfolds, The Green  
West of No.17 The Street  
The Old Rectory, The Street  
Playing Field, The Street  
Churchyard, The Street  
Orchard Place, Somerford Keynes Road  
Oaksey House, Somerford Keynes Road***

***These important trees are illustrated on the character profile maps in the Character Appraisal in Annexe 1.***

#### ***Open Spaces***

***Development proposals which would adversely affect the contribution that the following important open areas make to the character and appearance of the Conservation Area and the overall village will not be permitted:***

***The Well Garden;  
The Playing Field;  
The Churchyard;  
The field between Wick Road and Wheatsheaf Lane;  
The field to the rear of Mulberry House, north of The Street; and  
The field south of Somerford Keynes Road on the eastern approach to the village.***

***These important open areas are illustrated on the character profile maps in the Character Appraisal in Annexe 1.***

#### ***Opportunities for Enhancement***

**Proposals which deliver opportunities for enhancement of the built and historic environment in the following areas will be supported subject to compliance with other development plan policies:**

***Bendy Bow and its junction with The Street***

***Earls Corner***

***The Well Garden***

***Buildings adjacent to the junction of The Street and Eastcourt Road***

***The South Barn at Street Farm adjacent to The Street***

**These areas for enhancement are illustrated on the character profile maps in the Character Appraisal in Annexe 1.**

#### **Extensions and Outbuildings**

**Residential extensions; extensions to other buildings; and outbuildings will be supported where they:**

- ***are subordinate to the host property;***
- ***are constructed of materials which reflect the materials on the host property or those***
- ***found in the surrounding area;***
- ***do not result in the loss of existing boundary features;***
- ***make a positive contribution to the street scene; and***
- ***do not adversely change the inter-relationship between the front of the host property and the public realm.***

#### **COMMENT**

***Policy 2 is very long and includes repetition, it would be easier to use if split into separate policies. Some areas of the policy are overly restrictive. The Oaksey Neighbourhood Plan does not designate any Local Green Spaces although some of the areas in the “open space” section of this policy could have the potential to be designated as such. Whilst I acknowledge that the areas of open space identified as important lie within the Conservation Area or adjacent to it, Conservation Area status does not preclude development and neither does the identification of areas as open space. The important open spaces should be clearly shown on one proposal map numbered and labelled accordingly. For clarity and to meet the Basic Conditions the policy should be modified as follows:***

#### ***Policy 2 – Design of New Development and Local Distinctiveness***

All new development ~~proposals shall~~ should demonstrate good quality design that reinforces local distinctiveness and complements the fabric of the existing built up area, uses good quality harmonious materials and respects views around the village with reference to the height, scale, density, layout, siting, and orientation of new buildings. All new development ~~proposals should~~ shall have regard to the design guidelines set out in the Character Appraisal in Annexe 1.

New development, where supported by other development plan policies must be integrated into the street scene and landscape through design and the incorporation of suitable green buffers and the planting including trees. Development which would introduce a harsh urban edge on the important road gateways into the village identified in the Character Appraisal in Annexe 1 will not be supported.

~~New development will only be permitted where it does not adversely affect the distinctive character of Oaksey, including open areas; views and vistas; and built form set out in the Character Appraisal included in Annexe 1.~~

~~Proposals should not result in the loss of gaps and spaces between buildings which make a positive contribution to the character and appearance of the street scene.~~

~~Proposals should not result in the loss of open views of the countryside from within the village.~~

~~Planning permission for proposals for backland residential development will not be granted~~ supported where the existing character and linear form of the settlement is adversely affected.

#### ~~Extensions and Outbuildings~~

~~Residential extensions; extensions to other buildings; and outbuildings will be supported where they:~~

- ~~○ are subordinate to the host property~~ original building;
- ~~○ are constructed of materials which reflect the materials on~~ of the original building ~~host property~~ or those found in the surrounding area;
- ~~○ do not result in the loss of existing boundary features;~~
- ~~○ make a positive contribution to the street scene; and~~
- ~~○ do not adversely change~~ affect ~~the inter-relationship between the front of the host property~~ original building ~~and the public realm.~~

#### ~~Policy 2a Views and Vistas~~

***Proposals should not result in the loss of the following important public views and vistas are identified for particular protection:***

***Coppice Lane – Looking North***

***Earls Corner – Looking North***

***Cargill Place – Looking North***

***Bendy Bow – Looking South***

***Gateway to Minety Lane – Looking South***

***Gateway to Wick Road – Looking North***

***Eastern Gateway to the Village adjacent to Oaksey House – Looking West***

***View Along Eastcourt Road – Looking South***

***These important views and vistas are illustrated and explained in detail in the character area profiles in the Character Appraisal in Annexe 1.***

#### ***Policy 2b Boundary Treatment, Trees and Public Realm***

***Development proposals which ~~have the potential to~~ impact negatively on the boundary treatment, landscaping or trees which make a positive contribution to the public realm will be resisted. Any new development will be expected to demonstrate, where relevant how ~~they it~~ will contribute to high quality streets, pavements and other publicly accessible areas (the public realm) within Oaksey.***

***Important boundaries in the form of stone walls and hedges are illustrated on the character profile maps in the Character Appraisal in Annexe 1.***

#### ***Policy 2c Trees***

***In addition to the general protection offered by the Conservation Area, the following groups of important trees are identified ~~for protection~~ as important because of the contribution they make to the character and appearance of the village:***

***North of Cargill Place***

***West of Woodfolds, The Green***

***West of No.17 The Street***

***The Old Rectory, The Street***

***Playing Field, The Street***

***Churchyard, The Street***

***Orchard Place, Somerford Keynes Road***

***Oaksey House, Somerford Keynes Road***

*These important trees are illustrated on the character profile maps in the Character Appraisal in Annexe 1.*

#### ***Policy 2d Open Spaces***

*Development proposals which would adversely affect the contribution that The following important open areas make an important contribution to the character and appearance of the Conservation Area and the overall village. Proposals for development which fail to preserve or enhance these areas will not be supported permitted:*

*The Well Garden;*

*The Playing Field;*

*The Churchyard;*

*The field between Wick Road and Wheatsheaf Lane;*

*The field to the rear of Mulberry House, north of The Street; and*

*The field south of Somerford Keynes Road on the eastern approach to the village.*

*These important open areas are illustrated on the character profile maps in the Character Appraisal in Annexe 1.*

#### ***Policy 2e Opportunities for Enhancement***

*Proposals which deliver opportunities for enhancement of the built and historic environment in the following areas will be supported subject to compliance with other development plan policies:*

*Bendy Bow and its junction with The Street*

*Earls Corner*

*The Well Garden*

*Buildings adjacent to the junction of The Street and Eastcourt Road*

*The South Barn at Street Farm adjacent to The Street*

*These areas for enhancement are illustrated on the character profile maps in the Character Appraisal in Annexe 1.*

#### ***12.3 Policy 3: Highway Impact***

*Where new development negatively impacts on the highway network, developers will be required to appropriately mitigate these impacts by highway improvements or*

**contributions towards their mitigation. Contributions will be used to mitigate the impacts associated with the development to ensure there is no unacceptable detriment in terms of congestion or safety conditions. Proposals for major development which impacts on traffic volume or safety must be supported by a transport assessment which considers the impact of traffic movements on the highway network across the Parish of Oaksey.**

**Proposals for commercial, industrial or other forms of HGV generating development which will result in additional HGV movements through the centre of Oaksey village will only be permitted where routing agreements can be secured to avoid HGV movements through the centre of Oaksey village.**

#### **Parking**

**Planning permission will only be granted for new development that incorporates adequate on-site provision for parking. Development proposals which would result in the displacement of parking provision from off-street to on-street will not be supported.**

#### **Refuse Provision**

**Planning permission will only be granted for new development that incorporates adequate on-site provision for the storage of refuse collection bins. Refuse collection storage should be screened and easily accessible to the collection point.**

#### **COMMENT**

**Paragraph 2 of this policy does not have regard for the National Planning Policy Framework (2012), paragraph 32:**

**“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:**

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;**
- safe and suitable access to the site can be achieved for all people; and**
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be**



*prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

*In order to meet the Basic Conditions, paragraph 2 of the policy should be modified as follows:*

***Proposals for commercial, industrial or other forms of HGV generating development which will result in additional HGV movements through the centre of Oaksey village will ~~only be permitted~~ be supported where routing agreements can be secured to avoid HGV movements through the centre of Oaksey village.***

#### **12.4 Policy 4: Heritage Assets**

***Development affecting or within the setting of listed buildings requiring planning permission, including for change of use, will be required to demonstrate that the proposal is compatible with the setting and significance of the building.***

***Development proposals should preserve or enhance the character and appearance of the Conservation Area by taking account of the distinctive character, appearance and setting of the Conservation Area including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing.***

***Where development results in harm to the significance of designated heritage assets planning permission will only be granted where the public benefits of allowing the development outweigh the harm arising.***

***Development proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Proposals that are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ. Planning permission will not normally be granted for development proposals which would destroy or detrimentally affect archaeological interests.***

***All development proposals affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets should utilise appropriate siting, design, detailing, materials and methods of construction. Particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible.***

**Where development results in harm to the significance of designated heritage assets planning permission will only be granted where the public benefits outweigh the harm arising.**

**The Neighbourhood Plan designates the buildings below as ‘Locally Important Buildings’ as non-designated heritage assets, further details of them are detailed in the Character Appraisal included at Annex 1. Where development results in harm to the significance of non-designated heritage assets planning permission will only be granted where the benefits of allowing the development outweigh the harm arising.**

**Old Chapel, The Street**

**Village Shop and Adjacent Building (Former Butchery and Abattoir), The Street**

**National School Building, The Street**

**Street Farm, The Street**

**Spring Cottage, 17 The Street**

**3 The Street**

**Wisteria Cottage, The Street**

**The Wheatsheaf Public House, Wheatsheaf Lane**

**Skittle Alley, Wheatsheaf Lane**

**Oaksey Court, Somerford Keynes Road**

**Where development proposals requiring planning permission involve demolition, the resulting impact on heritage assets will be assessed under this policy.**

#### **COMMENT**

***This policy is long, mixing policy for heritage assets, the conservation area and identifying non-designated heritage assets. National and local policy already exists which sets out clearly how proposals affecting designated and non-designated heritage assets should be considered. As currently worded this policy does not accurately reflect existing policy. The policy should be split into three policies and clarified. In addition, a single map showing the non-designated heritage assets should be included within the body of the plan. For clarity and to meet the Basic Conditions the policy should be modified as follows:***

#### **Policy 4: Heritage Assets**

**Proposals affecting designated and non-designated heritage assets and their settings including those with archaeological interest must comply fully with the requirements of National Planning Policy and the development plan. Development affecting or within the setting of listed buildings requiring planning permission, including for change of**

~~use, will be required to demonstrate that the proposal is compatible with the setting and significance of the building.~~

#### **Policy 4a Oaksey Conservation Area**

~~Development proposals should preserve or enhance the character and appearance of the Conservation Area in accordance with national policy and the development plan, by taking account of the distinctive character, appearance and setting of the Conservation Area including open spaces and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing.~~

~~Where development results in harm to the significance of designated heritage assets planning permission will only be granted where the public benefits of allowing the development outweigh the harm arising.~~

~~Development proposals should take account of their effect on sites and their settings with the potential for archaeological interest. Proposals that are likely to affect known important sites, sites of significant archaeological potential, or those that become known through the development process, will be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. This will then be used to inform a range of archaeological mitigation measures, if required, for preservation by record and more occasionally preservation in situ. Planning permission will not normally be granted for development proposals which would destroy or detrimentally affect archaeological interests.~~

~~All development proposals affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets should utilise appropriate siting, design, detailing, materials and methods of construction. Particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible.~~

~~Where development results in harm to the significance of designated heritage assets planning permission will only be granted where the public benefits outweigh the harm arising.~~

#### **Policy 4b Non-Designated Heritage Assets**

~~The Neighbourhood Plan designates the buildings below as 'Locally Important Buildings' as non-designated heritage assets, further details of them are detailed in the Character Appraisal included at Annex 1. Where development results in harm to the significance of non-designated heritage assets planning permission will only be~~

~~granted where the benefits of allowing the development outweigh the harm arising.~~

~~Old Chapel, The Street~~

~~Village Shop and Adjacent Building (Former Butchery and Abattoir), The Street~~

~~National School Building, The Street~~

~~Street Farm, The Street~~

~~Spring Cottage, 17 The Street~~

~~3 The Street~~

~~Wisteria Cottage, The Street~~

~~The Wheatsheaf Public House, Wheatsheaf Lane~~

~~Skittle Alley, Wheatsheaf Lane~~

~~Oaksey Court, Somerford Keynes Road~~

~~Where development proposals requiring planning permission involve demolition, the resulting impact on heritage assets will be assessed under this policy.~~

## **HOUSING**

### **12.5 Policy 5: NEW HOUSING**

***Small-scale infill residential development within the settlement boundary (defined in Policy 1) that does not impact adversely on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported where it complies with other policies in the Neighbourhood Plan and the Wiltshire Core Strategy. In particular proposals should respect the characteristics and local distinctiveness of the relevant Character Area profile detailed in the Character Appraisal in Annexe 1. Proposals will be expected to have a direct highway frontage and safe highway access.***

***The design of all housing shall have particular regard to the criteria set out in Wiltshire Core Strategy Core Policy 57 “Ensuring high Quality Design and Place Shaping”.***

#### **Housing Allocation**

***Land at Bendy Bow is allocated for a residential redevelopment scheme for the effective replacement of the 12 existing dwellings together with a net addition to the dwelling stock of a minimum of 10 dwellings. Proposals for residential development will only supported where it provides for a mix of housing sizes and tenures, involving if appropriate the minimum level of market housing that can be demonstrated as essential to fund the delivery of the affordable housing element, after taking into account any Government grant funding.***

**Proposals for this allocated site should be accompanied by a masterplan developed in collaboration with the community, the Parish Council and the local Planning Authority. The masterplan and the proposed development should reflect the development principles set out below:**

**1. Frontage to the Street-Provide a new built form frontage to 'The Street' to reinforce the traditional street scene of those buildings facing 'The Street' which predominantly feature a generous frontage space. Also retain or relocate and rebuild if necessary the existing boundary wall at the junction of 'The Street' and Bendy Bow to reflect the traditional wall boundaries found along 'The Street'. The access area and vista will also need to be improved.**

**2. Materials – The redevelopment of the site area facing The Street should enhance the character of the Conservation Area with materials that reflect the history of the area, for example utilising traditional buildings of stone and pantile. Elsewhere materials should seek to enhance the appearance of Bendy Bow.**

**3. Housing-Provide a mixed development which meets the defined need so f those households displaced by the redevelopment proposal. New market housing should be of a size and style suitable for small/medium family provision which can provide an option for the local community to access market housing at a cost below that found within the established village housing market.**

**4. Parking - Provide adequate off-street parking to serve the new housing.**

**5. Landscaping – Redevelopment should continue to ensure that properties have strong boundaries to the road frontages to retain the existing enclosed character. Existing hedges and trees to the countryside site boundaries should be retained to help assimilate the new development into the settlement edge.**

#### **COMMENT**

**The Oaksey Neighbourhood Development Plan states that the indicative housing requirement for the Malmesbury Community Area has been met. The Wiltshire Core Strategy also identifies Oaksey as large village where development 'will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities' (Core Policy 1). Wiltshire Council consider that the allocation proposed in the Oaksey NDP is in accordance with the Core Strategy and appropriate for the village and I am satisfied that the Plan has regard to national policy and is general conformity with the strategic policies of the development plan in relation to housing.**

*This policy is long and deals with two distinct issues and would be better dealt with as two separate policies. There are elements of the policy which are too restrictive and in its current form the policy does not meet the Basic Conditions. For clarity and to meet the Basic Conditions the policy should be modified as follows:*

#### ***Policy 5: NEW HOUSING***

*Small-scale infill residential development within the settlement boundary (~~defined in Policy 4~~) that does not impact adversely on the character and appearance of the surrounding area or living conditions of future occupiers and neighbouring occupiers will be supported where it complies with other policies in the Neighbourhood Plan and the Wiltshire Core Strategy. In particular proposals should respect the characteristics and local distinctiveness of the relevant Character Area profile detailed in the Character Appraisal in Annexe 1. Proposals will be expected, where possible to have a direct highway frontage and safe highway access.*

*The design of all housing shall have particular regard to the criteria set out in Wiltshire Core Strategy Core Policy 57 “Ensuring High Quality Design and Place Shaping”.*

#### ***Policy 5a Housing Allocation***

*Land at Bendy Bow is allocated for a residential redevelopment scheme for the ~~effective~~ replacement of the 12 existing dwellings together with a net addition to the dwelling stock of a minimum of 10 dwellings. Proposals for residential development will only be supported where it provides for a mix of housing sizes and tenures, involving if appropriate the minimum level of market housing that can be demonstrated as essential to fund the delivery of the affordable housing element. ~~after taking into account any Government grant funding.~~*

*Proposals for this allocated site should be accompanied by a masterplan. Applicants are encouraged to develop the masterplan developed in collaboration with the community, the Parish Council and the Local Planning Authority. The masterplan and the proposed development should reflect the development principles set out below:*

##### ***1. Frontage to The Street-***

*Provide a new built form frontage to ‘The Street’ ~~to~~ which reinforces the traditional street scene ~~of those buildings facing ‘The Street’ which predominantly feature a generous frontage space.~~ Also, it should retain or relocate and rebuild if necessary the existing boundary wall at the junction of ‘The Street’ and Bendy Bow to reflect the traditional wall boundaries found along ‘The Street’. The access area and vista will also need to be improved.*

## **2. Materials –**

**The redevelopment of the site area facing The Street should enhance the character of the Conservation Area with materials that reflect the history of the area, for example utilising, ~~where possible traditional buildings~~ of stone and pantile. Elsewhere materials should seek to enhance the appearance of Bendy Bow.**

## **3. Housing-**

**Provide a mixed development which meets the defined needs of those households displaced by the redevelopment proposal. New market housing should be of a size and style suitable for small/medium family provision which can provide an option for the local community to access market housing at a cost below that found within the established village housing market.**

## **4. Parking**

**Provide adequate off-street parking to serve the new housing.**

## **5. Landscaping**

**Redevelopment should continue to ensure that properties have strong boundaries to the road frontages to retain the existing enclosed character. Existing hedges and trees to the countryside site boundaries should be retained to help assimilate the new development into the settlement edge.**

## **COMMUNITY FACILITIES**

### **12.6 Policy 6: Community Facilities**

**Development proposals that result in the improvement and expansion of community facilities or the provision of new community facilities will be supported subject to the following criteria being met:**

**The proposal will not adversely affect residential amenity or the living conditions of the occupiers of neighbouring properties;**

**The proposal will not lead to traffic congestion or adversely affect the free flow of traffic; and**

**Access arrangements and off-street parking can be satisfactorily provided.**

**Development proposals that would result in the loss of community facilities (Places of Worship; Public Houses; Sports Facilities; School; Post Office; Shop; the Village Hall;**

*or the Well Garden) will not be permitted unless it can be shown that they are poorly used, not viable in terms of community need, or adequate replacement provision is made elsewhere nearby within or close to the Parish. Proposals will also need to demonstrate a lack of economic viability as set out in Core Policy 49 (Protection of rural services and community facilities) of the Wiltshire Core Strategy.*

#### **COMMENT**

*Subject to the word “permitted” being replaced with “supported” I am satisfied that this policy meets the Basic Conditions.*

#### **NATURAL ENVIRONMENT**

##### **12.7 Policy 7: Setting of Oaksey Village**

*The Neighbourhood Plan supports proposals that protect and enhance the natural features that are a key component of the landscape and provide habitat for Oaksey’s diverse wildlife populations, including:*

*a) Measures to protect & enhance our natural environment & landscape character and to maintain tree cover & hedgerows will be promoted wherever possible;*

*b) Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation will be supported. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm;*

*c) Woodlands & hedgerows. The community support measures to increase the enhancement, reinstatement or creation of hedgerows along boundaries, and support the creation of additional pockets of woodland.*

*Development within and on the edge of Oaksey will only be permitted where it does not adversely affect views and linkages into and out of the village. Key views and vistas are included in the Character Appraisal in Annexe 1.*

*The following areas are considered important to the overall setting of Oaksey Parish:*

*Oaksey Wood;*

*Dean Plantation;*

*The tree planting at Oaksey Golf Club;*

*The tree lined driveway to Park Farm; and*

*The trees to the east of Eastcourt Road*



*New development will be supported provided that it does not adversely affect or devalue the structure, diversity or views of the street scene and landscape. New development, where supported by other plan policies, must be integrated into the street scene and landscape through design and the incorporation of suitable green buffers and the planting including trees. Development which would introduce a harsh urban edge on the important road gateways into the village identified in the Character Appraisal in Annexe 1 will not be permitted.*

*Development which adversely affects the character, appearance, setting, and tranquillity of the river corridors of Swill Brook and Flagham Brook will not be permitted.*

*Development which adversely affects the integrity of the North Meadow and Clattinger Farm Special Area of Conservation will not be permitted. Development which would adversely affect the ecological importance or rural character and appearance of the Clattinger Farm SSSI; Ancient Woodland and County Wildlife Sites will not be permitted.*

*Proposals to enhance the village and surrounding areas through appropriate landscaping and planting, especially around any new developments, will be encouraged.*

#### **COMMENT**

*This policy is long and includes elements of community aspiration rather than policy. These elements can still form part of the Plan but should either be included in a separate section of the Plan, if they are clearly identifiable community aspirations they should be identified as such, if not then the text could form part of the context or justification for the policy. There is also repetition of issues covered by other policies in the Plan, policies 2 and 4.*

*For clarity and to meet the Basic Conditions the policy should be modified as follows:*

#### **NATURAL ENVIRONMENT**

##### **Policy 7: Setting of Oaksey Village**

*The Neighbourhood Plan supports proposals that protect and enhance the natural features that are a key component of the landscape and provide habitat for Oaksey's diverse wildlife populations, including:*

*a) Measures to protect & enhance our natural environment & landscape character and*

*to maintain tree cover & hedgerows will be promoted wherever possible;*

*b) Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation will be supported. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm;*

*c) Woodlands & hedgerows. The community support measures to increase the enhancement, reinstatement or creation of hedgerows along boundaries, and support the creation of additional pockets of woodland.*

*Development within and on the edge of Oaksey will only be permitted where it does not adversely affect views and linkages into and out of the village. Key views and vistas are included in the Character Appraisal in Annexe 1.*

*The following areas are considered important to the overall setting of Oaksey Parish:*

*Oaksey Wood;  
Dean Plantation;  
The tree planting at Oaksey Golf Club;  
The tree lined driveway to Park Farm; and  
The trees to the east of Eastcourt Road*

*New development will be supported provided that it does not adversely affect or devalue the structure, diversity or views of the street scene and landscape. New development, where supported by other plan policies, must be integrated into the street scene and landscape through design and the incorporation of suitable green buffers and the planting including trees. Development which would introduce a harsh urban edge on the important road gateways into the village identified in the Character Appraisal in Annexe 1 will not be permitted.*

*Development which adversely affects the character, appearance, setting, and tranquillity of the river corridors of Swill Brook and Flagham Brook will not be permitted supported.*

*Development proposals affecting sites of international, national and local nature conservation and geological importance will be determined in accordance with national policy and the development plan. Development which adversely affects the integrity of the North Meadow and Clattinger Farm Special Area of Conservation will not be permitted. Development which would adversely affect the ecological importance or rural character and appearance of the Clattinger Farm SSSI; Ancient Woodland and*

***County Wildlife Sites will not be permitted.***

***Proposals to enhance the village and surrounding areas through appropriate landscaping and planting, especially around any new developments, will be encouraged***

## **SECTION 5**

### **Conclusion and Recommendations**

- 1. I find that the Oaksey Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 2. The general text in the plan should be modified to conform with the policy modifications.*
- 3. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 4. The Oaksey Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 5. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
- 6. The policies and plans in the Oaksey Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan, currently the Wiltshire Local Plan including the saved policies of the 1997 Wiltshire Local Plan (DDL P).*
- 7. I therefore conclude that the Oaksey Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

*Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD*

*Planning Consultant*

*NPIERS Examiner*

*CEDR accredited mediator*

*23rd November 2018*







